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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,313	09/16/2003	Ernest Adolph Rodenberg III	8028	1312
23545	7590	01/12/2005		
KATHLEEN M HARLESTON THE HARLESTON LAW FIRM 909 TALL PINE ROAD MT PLEASANT, SC 29464			EXAMINER WALLING, MEAGAN S	
			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,313

Applicant(s)

RODENBERG ET AL.

Examiner

Meagan S Walling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-35 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8,9 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,5-7,10-19 and 21-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09232003, 11182004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 4, 8, 9, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodenberg, III et al. (US 6,226,600).

Regarding claim 1, Rodenberg, III et al. teaches (a) a Measuring Transmitting Unit (Ref. 11) integrated in a main circuit breaker or utility meter in the residence or business; comprising: (1) a means of receiving AC analog signals, converting the AC analog signals to DC analog signals, summing the DC analog signals and outputting the information (column 1, line 66 – column 2, line 2); (2) a microcontroller (column 2, line 3); (3) a power line carrier transmission interface controller (column 2, lines 7-9); and (4) a power supply for powering the Measuring Transmitting Unit (column 2, lines 10-11); and (b) a programmable Receiving Display Unit (Ref. 12), comprising: (1) a power supply for powering the Receiving Display Unit (column 2, lines 13-14); (2) a power plug (column 2, line 15); (3) a power line carrier transmission interface controller (column 2, lines 17-18) (4) a data decoder (column 2, line 20) (5) a microcontroller (column 2, line 22); (6) memory associated with the microcontroller (column 2, line 25) (7) a visual display (column 2, line 27); and (8) a mechanism for inputting to the Receiving Display Unit (column 2, lines 30-32); and wherein the Measuring Transmitting Unit translates current flowing in main service power circuit conductors to digitally encoded signals, and transmits the

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digitally encoded signals over existing power circuits in the residence or business (column 2, lines 31-35); and wherein the Receiving Display Unit receives the digitally encoded signals being emitted by the Measuring Transmitting Unit, decodes the digitally encoded signals, and translates them to the visual display for viewing (column 2, lines 36-40).

Regarding claim 3, Rodenberg, III et al. teaches that the means of receiving AC analog signals, converting the AC analog signals to DC analog signals, summing the DC analog signals, and outputting the information, is at least two amplifiers (see Fig. 2, Ref. 27).

Regarding claim 4, Rodenberg, III et al. teaches that the Measuring Transmitting Unit further comprises two or three burden resistors for converting a current signal to a voltage signal (column 3, lines 36-38).

Regarding claim 8, Rodenberg, III et al. teaches that the Receiving Display Unit is linked with a personal computer by a connection through a Receiving Display Unit interface (column 8, lines 16-18).

Regarding claim 9, Rodenberg, III et al. teaches that the Receiving Display Unit further comprises a digital clock with battery back-up, and a protective cover for enclosing the Receiving Display Unit.

Regarding claim 20, Rodenberg, III et al. teaches that the Receiving Display Unit is linkable by a power line technology connection to at least one load shedding device; the at least one load shedding device controlling at least one electrical appliance in the residence or business (column 8, lines 4-6 and 13-16).

Allowable Subject Matter

2. Claims 2, 5, 6, 7, 10-19, and 21-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of allowability of claim 2 is the inclusion of the limitation that the system is not connected to a current transformer. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 5 is the inclusion of the limitation that the MTU and at least two current sensing modules are an integral part of a main circuit breaker unit within the circuit breaker panel. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 10 is the inclusion of the limitation that the RDU is connected to a PDA through a serial, USB, or firewire connection. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claims 16 is the inclusion of the limitation that the RDU is linked to a personal computer through a power line technology connection-to-computer interface converter; the PLTC-to-computer interface converter being linked to the personal computer; the PLTC-to-computer interface converter being plugged into a

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second AC receptacle; the RDU being linked by a power line carrier technology connection to the PLTC-to-computer Interface converter. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 17 is the inclusion of the limitation that the RDU is linked to a PDA through a power line technology connection-to-computer Interface converter; the PLTC-to-computer interface converter being linked to the PDA by a serial, USB, or firewire connection; the PLTC-to-computer interface converter being plugged into a second AC receptacle; the RDU being linked by a power line technology connection the PLTC-to-computer Interface converter. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 21 is the inclusion of the limitation that the RDU is linked to a personal computer by a serial, USB, or firewire connection. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 22 is the inclusion of the limitation that the RDU is linked to a PDA by a serial, USB, or firewire connection. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 23 is the inclusion of the limitation that the RDU is linked to a land telephone line for automatic reception of information

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via a telephone. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 24 is the inclusion of the limitation that the RDU further comprises an interface for receiving wireless telephone transmissions. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 25 is the inclusion of the limitation that the RDU further comprises an interface for receiving paging signals from a pager. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 26 is the inclusion of the limitation that data is received from the utility via existing transmission lines through the utility meter of the residence or business; the data passing via power line technology connection to the RDU. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

The primary reason for the indication of allowability of claim 27 is the inclusion of the limitation that the RDU receives data via the Internet on the personal computer. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable

3. Claims 28-35 are allowed.

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The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of claim 28 is the inclusion of the limitation of periodically receiving signals from a utility. It is this limitation in the claimed combination that has not been found, taught, or suggested in the prior art that makes these claims allowable. Rodenberg, III et al. (US 6,226,600) specifically states that the device taught "will emulate the utility company's energy meter and consumption costs without any input from the utility" (see column 4, lines 47-49). Therefore the inclusion of the limitation of periodically receiving signals from a utility cannot be considered obvious and no obviousness rejection should be made because to do so would be to teach away from the primary reference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

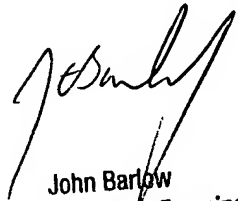
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw



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